

THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION No.24501 OF 2004

Dated: 17th March, 2006.

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Between:

Smt. Nuzhat Jeelani ... Petitioner

And

1. The A.P. State Finance Corporation Ltd.,
Chirag Ali Lane, Hyderabad, rep. by
Its Managing Director and 4 others. ... Respondents

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ORDER :

This writ petition is filed seeking a declaration that the action of the respondent – A.P. State Financial Corporation Limited in proceeding against the petitioner's plot bearing No.169, Mahalaxmi Co-operative Housing Society, Toli Chowk, Hyderabad admeasuring 311 sq. yards alone without proceeding against the primary security of plant and machinery of the 3rd respondent Company i.e, Macro Carbons (P) Limited is arbitrary, illegal and consequently declare the auction of the said plot of the petitioner by the respondent Corporation in pursuance of its advertisement dated 16-1-2004 as illegal.

When the matter is taken up for consideration, it is represented by the learned Counsel for the petitioner that during the pendency of this writ petition, the Corporation had proceeded against the other properties and the sale proceeds were adjusted towards the amount due to the Corporation. In the circumstances, the learned Counsel for the petitioner states that no further adjudication is necessary in the writ petition.

The learned Counsel appearing for the respondent Corporation does not dispute the said fact.

In the circumstances, the sale proceedings initiated against plot bearing No.169 which is the subject-matter of this writ petition are unwarranted and accordingly set aside.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to return the original title deeds which are mortgaged to the Corporation if the entire amounts due against the petitioner's loan account are realised. No costs.

G. ROHINI, J.

Dt. 17/03/2006

gbs